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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

C.R. No. 362 of 2007.
Date of Decision : January 22,2007

Smt. Shamsher Kaur and others

... Petitioners.

Versus

Shri Narata Ram and another

.. Respondents

CORAM : Hon`ble Mr. Justice Pritam Pal.

Present : Shri S.S.Dinarpur, Advocate,
for the petitioners.

PRITAM PAL , J.

This revision petition under Section 227 of the Constitution of India read with Section 151 of the Code of Civil Procedure is directed against order dated 20.12.2006 (Annexure P/6) passed by learned Civil Judge (Junior Division), Jagadhri, whereby, an application, moved by the petitioners for adducing additional evidence was dismissed.

Without going into the details, suffice it to say that predecessor-in-interest of the petitioners (Shamsher Singh) had filed a suit for declaration to the effect that he became owner-in-possession of the suit land and the mutation No. 568, sanctioned in favour of the respondent-

defendant No.1, on the basis of Will, executed by Smt. Ratto, is wrong, illegal, non-existent, inoperative, null and void and is not binding upon his rights in any manner.

During the pendency of the suit, the petitioners filed an application for adducing additional evidence in order to prove some documents pertaining to another litigation, pending between the respondent-defendants.

The learned trial court dismissed the said application, moved by the petitioners, on the ground that those documents pertain to the other litigation, that too, between the respondent-defendants inter-se, are not essential and relevant for proper adjudication of this case.

In fact, the suit filed by the predecessor-in-interest of the petitioners pertains to the year 1991, wherein, the ownership of the suit land has been claimed by virtue of efflux of time. As such, the petitioners are to prove their own case and the learned trial court has rightly observed that the documents to be proved by way of additional evidence, are not at all necessary for the proper adjudication of the case.

In these given facts and circumstances of the case and taking an over-all view of the matter in hand, no impropriety or illegality is made out in the impugned order, Annexure P/6.

Hence, this Revision Petition is dismissed *in limine.*

[PRITAM PAL]
JUDGE

January 22, 2007.
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